

Prob 12C

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**AMENDED PETITION FOR WARRANT OR SUMMONS FOR  
OFFENDER UNDER SUPERVISION**

**Offender Name:** Jeremiah Anthony Diaz

**Docket Number:** 1:97CR-005191-001 OWW

**Offender Address:** Fresno, CA

**Judicial Officer:** Honorable Oliver W. Wanger  
United States District Judge  
Fresno, California

**Original Sentence Date:** March 23, 1998

**Original Offense:** Count 1: 18 USC 2113(a) & (d), Armed Bank Robbery  
[CLASS B FELONY]  
Count 3: 18 USC 2113(a), Bank Robbery [CLASS C  
FELONY]

**Original Sentence:** 72 months prison, 5 years TSR, \$13,909.50 restitution,  
\$200 special assessment, Mandatory testing

**Special Conditions:** Search, substance abuse counseling and testing, and  
aftercare copayment

**Type of Supervision:** Supervised Release (TSR)

**Supervision Commenced:** February 11, 2005

**Assistant U.S. Attorney:** Jonathan Conklin **Telephone:**(559) 498-7425

**Defense Attorney:** Victor Chavez **Telephone:**(559) 487-5561

**Other Court Action:**

**4/17/2006:** Violation petition filed with the Court alleging Failure to  
Submit to Drug Testing, Irregular Special  
Assessment/Fine/Restitution Payments, and Irregular  
Submission of Monthly Reports. On May 3, 2006,

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following the releasee's appearance on a summons, the Magistrate Court allowed the releasee to remain on his own recognizance pending further court proceedings.

**1/31/2006:**

Court approved modification of defendant's conditions of supervision to allow for defendant's participation in mental health treatment including the taking of psychotropic medication following violation petition filed alleging Illicit Drug Use (Marijuana), Irregular Submission of Monthly Supervision Reports, and Failure to Attend Narcotics Anonymous Meetings.

**9/7/2005:**

Court approved no adverse action violation petition alleging Irregular Special Assessment/Fine/Restitution Payments and Irregular Submission of Monthly Reports.

**01/03/2005:**

Three months prison imposed following violation petition sustained alleging failure to participate in drug testing. Thirty-three (33) months supervised release to follow.

**05/24/2004:**

120 day placement at Turning Point Community Sanction Center, Fresno, CA imposed following violation petition sustained alleging illicit drug use, failure to submit to testing, and attempt to have another individual test for the releasee.

**04/13/2004:**

Court approved no adverse action violation petition alleging illicit drug use. Releasee was placed on random urinalysis testing and counseling.

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**PETITIONING THE COURT**

**(X) OTHER:** The releasee was released on his own recognizance on May 3, 2006, while pending violation proceedings. The next court appearance is set before Your Honor on May 9, 2006 at 9 a.m. Because it is now known that the releasee tested positive for illicit drug use two days prior to the detention hearing of May 3, 2006, it is recommended that the Court detain the releasee during court on May 9, 2006. Should the releasee fail to appear for Court on May 9, 2006, it is recommended that a warrant be issued for his arrest.

The probation officer alleges the offender has violated the following condition(s) of supervision:

**Charge Number**      **Nature of Violation**

**Charge 1:**                      **FAILURE TO SUBMIT TO DRUG TESTING**

On February 11, 2006, the releasee failed to report for drug testing at Turning Point. On March 31, 2006, the releasee was instructed by the undersigned officer to report to the U.S. Probation Office on each of the days of April 3 through April 7, 2006, to submit urine samples for drug testing. On each of the days of April 3 through April 7, 2006, the releasee to submit to drug testing.

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**Charge 2: IRREGULAR SPECIAL ASSESSMENT/FINE/RESTITUTION PAYMENTS**

For the months of February and March 2006, the releasee has failed to pay toward his court ordered financial obligations.

**Charge 3: IRREGULAR SUBMISSION OF MONTHLY REPORTS**

For the months of January and February 2006, the releasee submitted the monthly supervision reports late (received March 31, 2006). For the month of March 2006, the releasee has failed to submit a monthly supervision report.

**Charge 4: USE OF ILLICIT DRUGS (5/1/2006 & 5/2/2006)**

On May 1, 2006 and May 2, 2006, the releasee submitted a urine sample for urinalysis testing. Laboratory test results returned positive for marijuana use.

**Justification:** The releasee submitted a positive drug test on January 25, 2006, for marijuana use. This prompted the filing of a violation petition which ultimately resulted in a modification of the releasee's conditions of supervision to include a psychological evaluation to assess his mental health and to determine a course of treatment. The releasee was diagnosed with "intermittent explosive disorder" and was issued psychotropic medication. He was referred for mental health counseling and presently attends said counseling.

The releasee has been drug testing frequently since January 2006. He has submitted numerous "diluted" specimens; thereby not providing a clear indication of any continued use of illicit drugs. The

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releasee, however, has recently tested positive for marijuana use (May 1, 2006 and May 2, 2006). Contact with the laboratory chemist revealed the two positives (May 1 and May 2, 2006) to be the result of one occasion of marijuana use.

The releasee appeared before the Honorable Dennis L. Beck, Magistrate Court Judge, on May 3, 2006, and was released on his own recognizance while pending violation proceedings. At the time of the detention hearing, the results of the urine samples taken on May 1 and May 2, 2006, were not known. The instant violation petition has been amended as a result to incorporate the releasee's illicit drug use.

Given the releasee's need for psychotropic medication to stabilize his mental health and his simultaneous use of illicit drugs, there exists serious concern that the releasee poses a threat to the safety of his own well being and to the community. The releasee pends court proceedings before Your Honor on May 9, 2006. It is therefore recommended that he be detained.

**Bail/Detention:** Because the releasee has since tested positive for illicit drug use, it is recommended that he be detained for his own safety and for the

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safety of the community. Should he fail to appear for court appearance on May 9, 2006, it is recommended that a warrant be issued for his arrest.

**I declare under penalty of perjury that the foregoing is true and correct.**

**EXECUTED ON:** May 8, 2006  
Fresno, California  
mp

Respectfully submitted,

/s/ Melinda S. Peyret

**Melinda S. Peyret**  
**United States Probation Officer**  
Telephone: (559) 499-5733

**REVIEWED BY:** /s/ Hubert Alvarez for:  
**BRUCE A. VASQUEZ**  
**Supervising United States Probation Officer**

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**THE COURT FINDS PROBABLE CAUSE AND ORDERS:**

( x ) The issuance of a warrant should the releasee fail to appear for court appearance on May 9, 2006, before Your Honor.

**FURTHER PROCEEDINGS REGARDING CUSTODY:**

( ) Defendant is ordered detained, to be brought before District Judge forthwith.

( ) Initial appearance and detention hearing before Magistrate Judge.

May 8, 2006

**Date**

/s/ OLIVER W. WANGER

**Signature of Judicial Officer**

cc: United States Probation  
Marianne Pansa, Assistant United States Attorney  
Victor Chavez, Assistant Federal Defender